

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

DONALD L. BLANKENSHIP,)
)
)
Movant,)
)
v.) **Civil Action No. 5:18-cv-00591**
) **(Criminal Action No. 5:14-cr-00244)**
UNITED STATES OF AMERICA,)
)
Respondent.)

**UNITED STATES' MOTION FOR AN ORDER
SUSPENDING THE PRIMARY BRIEFING SCHEDULE**

The United States, by and through undersigned counsel, in the above captioned cases, moves for an order holding a primary briefing schedule in abeyance, thereby suspending it, until matters are resolved in a secondary briefing schedule. There is good cause for such an order since there are currently two briefing schedules which overlap and terminate close in time, and each involves complex matters.

The primary briefing schedule, set forth in an Order (Doc. No. 674), was triggered after Movant filed his Amended Memorandum in Support of Motion to Vacate Conviction Pursuant to 28 U.S.C. § 2255 on September 6, 2018 (Doc. No 703). The United States is currently obligated to file an Answer within 45 days—that is, by October 19, 2018. It should be noted that, while the government did receive a copy of Movant's 2255 Memorandum on the day it was filed, the United States have yet to receive a copy of the exhibits in the condition the Court received them.

In what has become a secondary briefing schedule, the Movant filed a “Notice of Under Seal Filing” relating to a modification of the Agreed-Upon Protective Order and the sealing of documents. This prompted the Court to issue an Order with a secondary briefing schedule. (Doc. No. 706). If Movant files an anticipated Motion for Modification of the Agreed-Upon Protective Order (Doc. No. 691) by September 20, 2018, the United States shall file a response by October 4, 2018.

Both briefing schedules involve complex matters and voluminous document review. The government moves this Court to hold the primary briefing schedule in abeyance, thereby suspending it, until the Court makes a ruling on Movant’s Motion for Modification of the Agreed-Upon Protective Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Douglas W. Squires, certify that on September 7, 2018 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users, or if they are not, by serving a true and correct copy at the addresses listed below:

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